

APPLICATION FOR PLANNING PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/630

<u>Applicant</u>	: Mr. Tang Chik Fat represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lot 425 (Part) in D.D. 122 and adjoining Government Land (GL), Sheung Cheung Wai, Yuen Long, New Territories
<u>Site Area</u>	: About 1,245m ² (including GL of about 20.5m ² or 1.6%)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plans A-2 and 4**).
- 1.2 The Site was involved in two previous applications (No. A/YL-PS/410 and 549) for temporary public vehicle park for private car and light goods vehicle (**Plan A-1**). The last application No. A/YL-PS/549, covering the same site for the same use as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 26.1.2018. All the time-specific approval conditions have been complied with and the planning permission lapsed on 26.1.2021. Details of the previous applications are summarised at paragraph 5 below and at **Appendix II**.

1.3 According to the applicant, the Site is accessible from a local track leading from Tsui Sing Road and Ping Ha Road (**Plan A-3**). Only private car and light goods vehicle not exceeding 5.5 tonnes will be parked at the Site. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No workshop activity will be carried out at the Site. The operation hours are from 7 a.m. to 11 p.m. daily. The location plan, vehicular access plan, proposed layout plan, proposed tree preservation plan, and as-built drainage plan are at **Drawings A-1 to A-5** respectively.

1.4 A comparison of major development parameters of the last application to the current application is as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/549) (a)	Current Application (A/YL-PS/630) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years		No change
Site Area	About 1,245m ² (including GL of about 20.5m ²)		No change
Maximum Floor Area	58m ²	56m ²	-2m ² (-3%)
No. of Structures	2 (for office, guardroom and toilet uses)	1 (for office, guardroom and toilet uses)	-1
Maximum Height of Structures	6.5 m (2 storeys)		No change
No. of Car Parking Spaces	32 for private car (5m x 2.5m) 2 for light goods vehicle (7m x 3.5m)		No change
Operation Hours	7 a.m. to 11 p.m. daily (including public holidays)		No change

1.5 Compared with the last application No. A/YL-PS/549, the current application is submitted by the same applicant for the same use on the same site with the same layout but minor reduction in number of structures (-1) and floor area (-2m²).

1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application form with supplementary planning statement received on 26.1.2021 (**Appendix I**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix I**. They can be summarised as follows:

- (a) The proposed development is in line with the planning intention of the “V” zone which is primarily for the convenience of the villagers. It could meet the parking demand in Sheung Cheung Wai.
- (b) The applicant has complied with all the planning conditions imposed to the last planning permission. Besides, the Board has approved a number of public vehicle parks in the same “V” zone to meet the parking demand.
- (c) The proposed development is compatible with the surrounding environment and will generate insignificant traffic, environmental and noise impacts to its surrounding.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Background

The Site would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in two previous applications (No. A/YL-PS/410 and 549) for temporary public vehicle park for private car and light goods vehicle. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-PS/410 and 549 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years were approved with conditions by the Committee on 21.6.2013 and 26.1.2018 on grounds that the applied uses were not incompatible with the surrounding land uses and the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 5.3 Compared with the last application No. A/YL-PS/549, the current application is submitted by the same applicant for the same use on the same site with the same layout but minor reduction in number of structures (-1) and floor area (-2m²).

6. **Similar Applications**

- 6.1 There are 29 similar applications for temporary public vehicle park for private cars and/or light goods vehicles within the same “V” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All 29 similar applications were approved by the Committee on considerations that the temporary use would not frustrate the long-term planning intention of the “V” zone, the use was not incompatible with the surrounding land uses, and the uses were unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Planning permissions under applications No. A/YL-PS/468, 498, 553 and 561 were revoked due to non-compliance with approval conditions.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) currently occupied by the applied use without valid planning permission;
 - (b) accessible via a local track from Tsui Sing Road leading to Ping Ha Road (**Plan A-3**); and
 - (c) located within the boundary of the Sheung Cheung Wai Site of Archaeological Interest (**Plan A-1**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north and east are local track, residential dwellings, and vehicle park which is suspected unauthorised development (UD). To the further north are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/585 and 606;
 - (b) to the immediate south is a temporary public vehicle park with valid planning permission under application No. A/YL-PS/590; and
 - (c) to the west are a shrine, refuse collection point and a pond.

8. **Planning Intention**

The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

- 9.1 The following Government Departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises GL and an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Within the Site, the private lot is currently covered by a Short Term Waiver (STW) whereas GL therein is covered by a Short Term Tenancy (STT). Details of which are listed below:

STW/STT No.	Lot No. / GL in D.D. 122	Permitted Use
STT 2845	GL	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles
STW 4086	425	

- (c) Should planning approval be given to the planning application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.
- (d) According to his record, there is no Small House (SH) application received and under processing at the Site.

Traffic

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) No vehicles are allowed to queue back to public roads or

reverse onto/from public roads. The applicant should note his detailed comments at **Appendix V**.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) Only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the application site and the section of Tsui Sing Road being maintained by HyD.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) Should the application be approved, the applicant shall be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”).
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) According to the aerial photo of 2020, the Site is hard paved vehicle park in operation with existing trees along the northern and eastern boundary within the Site. Referring to the site photos taken by his office dated 11.02.2021, around 20 numbers of existing trees of common species including *Ficus microcarpa* (細葉榕), *Cinnamomum burmanni* (陰香), *Bauhinia sp.* (羊蹄甲屬), *Annona squamosa* (番荔枝), *Morus alba* (桑樹) and *Mangifera indica* (芒果) are found along the northern and eastern boundary within the Site.
- (b) The Site is situated in an area of rural fringe landscape predominated by village houses with other similar parking areas in the proximity. The proposed development is considered not entirely incompatible with the landscape character of the surrounding area. According to the submitted information, as the proposed development will not involve any tree removal, significant adverse landscape

impact arising from the proposed development is not envisaged.

- (c) The applicant should note his detailed comments at **Appendix V**.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) According to the applicant's submission, the existing drainage facilities which was implemented will be maintained for the development. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to his satisfaction.
- (b) The applicant should note his detailed comments at **Appendix V**.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The applicant should note his detailed comments at **Appendix V**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should note his detailed comments at **Appendix V**.

Others

- 9.1.9 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (A&M), AMO):

While he has no comment on the application from the archaeological and built heritage conservation perspective, the applicant is required to inform AMO immediately in case any antiquities or supposed antiquities are discovered in the course of excavation works.

District Officer's Comments

- 9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any feedback from locals.

- 9.2 The following Departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comment Received During the Statutory Publication Period

On 15.1.2021, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix IV**) raising concern on high parking demand in the area.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the Site zoned "V" on the OZP. The planning intention of the "V" zone is primarily for development of Small Houses by indigenous villagers. Whilst the development is not entirely in line with the planning intention of the "V" zone, according to the DLO/YL, LandsD, there is no Small House application approved or under processing at the Site. The applied use could provide vehicle parking spaces to meet any such parking demand in the area. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the "V" zone.
- 11.2 The Site is mainly surrounded by residential dwellings and vehicle parks (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas.

There has been no environmental complaint concerning the Site received in the past 3 years. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the possible environmental impacts on the nearby sensitive receivers.

- 11.4 The Committee has approved two previous applications for the same use at the Site and 29 similar applications within the same “V” zone. Approval of the current application is in line with the previous decisions.
- 11.5 There is one public comment received raising concern on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraph 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 26.3.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle repairing, dismantling, car washing and other workshop activity, as proposed by the applicant, is allowed on the Site at any

time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (g) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (h) the existing fencing of the Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or the Town Planning Board by **26.6.2021**;
- (k) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.9.2021**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.12.2021**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with supplementary planning statement received on 26.1.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Public comments
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Tree Preservation Plan
Drawing A-5	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2021**